IN THE UNITED STATED DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE NORTHERN DIVISION

DEBBORAH JEAN CHAPMAN,)	
Plaintiff,)	
)	
v.)	No. 3:16-cv-00130-TAV-HBG
)	
LINCOLN NATIONAL LIFE INSURANCE)	
COMPANY and CLAY ALLEN CAPPS,)	
Defendants.)	

MOTION FOR ENTRY OF ORDER OF DISMISSAL WITH PREJUDICE

Debborah Jean Chapman, by and through counsel and pursuant to Fed. R. of Civ. P. 41(a)(2), moves the court for the entry of an order dismissing the Plaintiff's claim and all other claims in this case with prejudice to the refilling of the same. In support of this Motion, Plaintiff states as follows:

- 1. This case has been settled pursuant to a written settlement agreement executed by all parties. The settlement agreement required a payment to the *pro se* Defendant, Clay Allen Capps, and that payment has been made.
- 2. Plaintiff's counsel represents to the Court that counsel for Lincoln National Life Insurance Company has agreed that the case is to be dismissed with prejudice.
- 3. Plaintiff's counsel has diligently attempted to obtain *pro se* Defendant Clay Allen Capps' consent to a Voluntary Dismissal pursuant to Rule 41(a)(1)(ii).
- 4. Plaintiff's counsel has reached out to Mr. Capps repeatedly by email and by telephone. Plaintiff's counsel has not received any response from Mr. Capps, despite the fact that Plaintiff's counsel previously successfully contacted Mr. Capps using the same email and same telephone number.

WHEREFORE, Plaintiff respectfully requests that the Court dismiss this action WITH PREJUDICE.

Respectfully submitted this the 15th day of July, 2016.

HODGES, DOUGHTY & CARSON, PLLC

By: /s/ Thomas H. Dickenson
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Motion for Entry of Order of Dismissal with Prejudice has been served on the following by the court's Electronic Case Filing System (ECF) or by regular first class mail (USM) postage prepaid to the following this 15th day of July, 2016:

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/s/ Thomas H. Dickenson
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